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10/728,374	12/04/2003	Randall Frank	08575-088001 / F-One Inte	6383
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

### Office Action Summary

**Application No.**

10/728,374

**Applicant(s)**

FRANK ET AL.

**Examiner**

ANISH SIKRI

**Art Unit**

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33, 89 and 90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33, 89 and 90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

In view of the appeal brief filed on 7/29/2008, PROSECUTION IS HEREBY REOPENED. As set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***/Tonia LM Dollinger/***

***Supervisory Patent Examiner, Art Unit 2143***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims **1-9, 11, 13-23, 25-28, 33, 89, 90** are rejected under 35 U.S.C. 103(a) as being anticipated over Tang et al (US Pat 5,793,365) hereafter known as Tang, in view of Loveland (US Pat 6895558).

2. Consider **Claim 1**, Tang et al clearly discloses a method comprising: receiving from a first person a request to converse with a second person using any one of two or more selectable communication modes (Tang et al, Fig 1A, Fig 1B, Col 5 Lines 55-67, Col 6 Lines 1-10 Col 15 Claim 1 and 2);
3. But Tang et al does not explicitly disclose the selection of the second mode being determined by a rule created by the second person and in response to the received request, automatically performing an action using a second one of the two or more communication modes.
4. Nonetheless, Loveland disclosed the selection of the second mode being determined by a rule created by the second person and in response to the received request (Loveland, Fig 5-6, Col 12 Lines 37-50, Loveland disclosed on how rules are being used for communication purposes), automatically performing an action using a second one of the two or more communication modes (Loveland, Col 12 Lines 54-59, Loveland disclosed on how different communications can be chosen as stated by the rules).
5. Both Tang-Loveland provide features related to communication in the network with the use of rule management. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.
6. Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of rule management taught by Loveland, in the system of Tang for the purposes of management of different types of communication methods/preferences as stated by the user.

7. Consider **Claim 2**, Tang-Loveland disclosed a method of claim 1 wherein the rule is created by the second person using a user interface on a computing device (Loveland, Fig 5-6, Col 12 Lines 37-59, Loveland disclosed on how the rules are stated by the user).

8. Consider **Claim 3**, Tang-Loveland disclosed a method of claim 1 further comprising selecting the rule from a set of one or more rules based on a condition statement of the rule (Loveland, Fig 5-6, Col 12 Lines 37-50, Loveland disclosed on how the rules are chosen).

9. Claim 4 has similar limitations as Claim 3, therefore it is rejected under the same rationale as Claim 3.

10. Consider **Claim 5**, Tang-Loveland disclosed a method of claim 1 further comprising identifying the first person (Col 5 Lines 55-66, Col 6 Lines 1-10). Tang et al clearly shows the different states which can range from attentive, idle, engaged, do not disturb, and absent states to the identifying of the first person (Col 5 Lines 55-66, Col 6 Lines 1-10). Loveland disclosed on the rules are selected/created in the system by the user (Loveland, Fig 5-6, Col 12 Lines 37-50)

11. Consider **Claim 6**, Tang-Loveland disclosed a method of claim 1 further comprising selecting the rule based on a current status of the second person (Col 6 Lines 29-36, Col 7 Lines 29-55). Tang et al clearly shows on how rules affect the status of the second person. Different types of icons are used to represent the various states of user's status (Col 6 Lines 29-36). But Loveland disclosed on how the rules are selected and created Loveland, (Loveland, Fig 5-6, Col 12 Lines 37-50).

12. Consider **Claim 7**, Tang-Loveland disclosed a method of claim 1 further comprising determining an electronic document associated with the first person and retrieving the electronic document if the second person indicates a desire to view the document (Tang, Col 9 Lines 42-50). Tang et al shows on how files and other data objects are transferred between users (Tang, Col 9 Lines 42-50).

13. Consider **Claim 8**, Tang-Loveland disclosed a method of claim 7 further comprising displaying the electronic document to the second person (Tang, Col 9 Lines 42-50, Col 10 Lines 33-36). Tang et al shows on how electronic documents are displayed between users (Col 9 Lines 42-50).

14. Consider **Claim 9**, Tang-Loveland disclosed a method of claim 7 further comprising retrieving the electronic document from an e-mail storage module, wherein the electronic document is an e-mail message (Tang, Col 8 Lines 6-10). Tang et al shows that one of the methods of communication can indeed be in a form of an email between users (Tang, Col 8 Lines 6-10).

15. Consider **Claim 11**, Tang-Loveland disclosed a method of claim 1 wherein automatically performing the action further comprises enabling the first person to leave a message if the current status of the second person is that the second person is unavailable to converse (Tang, Fig 1, Fig 2, Col 5 Lines 55-66, Col 6 Lines 1-10, Lines 27-37). Tang et al clearly shows on how first person receives the status of the second person, when the second person is unable to converse. Different types of icons are used to represent the various states of user's status (Tang, Col 6 Lines 29-36).

16. Consider **Claim 13**, Tang-Loveland disclosed a method of claim 1 wherein the one of two or more communication modes comprises a voice conversation communication mode (Tang, Fig 11 – Audio-Conference 83, Col 4 Lines 15-22, Col 13 Lines 9-11, Col 14 Lines 46-57). Tang et al does show that one of the types of communication modes can be in voice conversation mode with the use of microphone and speakers (Tang, Fig 11 – Audio-Conference 83, Col 4 Lines 15-22, Col 13 Lines 9-11, Col 14 Lines 46-57).

17. Consider **Claim 14**, Tang-Loveland disclosed a method of claim 13 wherein the voice conversation communication mode comprises Voice over Internet Protocol (Tang, Fig 11 – Audio-Conference 83, Col 4 Lines 15-22, Col 13 Lines 9-11, Col 14 Lines 46-57). Tang et al clearly does show that one of the types of communication modes can be carried out with the use of VOIP.



18. Consider **Claim 15**, Tang-Loveland disclosed a method of claim 1 wherein the one of two or more communication modes comprises a voice/video conversation communication mode (Tang, Fig 11 – Audio-Conference 83, Video-Conference 81, Col 4 Lines 15-22, Col 13 Lines 9-11, Col 14 Lines 40-57). One of the types of communication can be carried out with the use of a web cam for voice/video conversation mode.

19. Consider **Claim 16**, Tang-Loveland disclosed a method of claim 1 wherein the one of two or more communication modes comprises a graphic text-based conversation communications mode (Tang, Fig 5 – Chat window, Col 4 Lines 15-22, Col 9 Lines 22-37). Tang et al clearly a show one of the types of communication is in the form of chat mode, which uses text-based conversation.

20. Consider **Claim 17**, Tang-Loveland a method of claim 16 wherein the graphic text-based conversation communication mode comprises Instant Messaging (Tang, Fig 5 – Chat window, Col 4 Lines 15-22, Col 9 Lines 22-37). Tang et al clearly a show one of the types of communication is in the form of chat mode, which uses text-based conversation, therefore instant messaging.

21. Consider **Claim 18**, Tang et al clearly discloses a system comprising: a computing device comprising: a transceiver configured to receive a request to converse

with a user of the computing device; using a selected first one of two or more selectable communication modes; and an integration module configured to automatically perform an action using a second one of the two or more communication modes (Tang, Fig 1A, Fig 1B, Col 15-16 Claim 1 and 2, Fig 5 – Chat window, Col 4 Lines 15-22, Col 9 Lines 22-37).

22. But Tang et al does not explicitly disclose the selection of the second mode being determined by a rule created by the second person and in response to the received request, automatically performing an action using a second one of the two or more communication modes.

23. Nonetheless, Loveland disclosed the selection of the second mode being determined by a rule created by the second person and in response to the received request (Loveland, Fig 5-6, Col 12 Lines 37-50, Loveland disclosed on how rules are being used for communication purposes), automatically performing an action using a second one of the two or more communication modes (Loveland, Col 12 Lines 54-59, Loveland disclosed on how different communications can be chosen as stated by the rules).

24. Both Tang-Loveland provide features related to communication in the network with the use of rule management. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

25. Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of rule management taught by Loveland,

in the system of Tang for the purposes of management of different types of communication methods/preferences as stated by the user.

26. Consider **Claim 19**, Tang-Loveland disclosed the system of claim 18 wherein the integration module comprises a microphone and a speaker (Tang, Col 13 Lines 5-12, Col 7 Lines 3-8). The use of a microphone and a speaker is clearly shown.

27. Consider **Claim 20**, Tang-Loveland the system of claim 18 wherein the integration module comprises a user interface hook to detect when the user is interacting with the computing device (Tang, Col 15 Lines 13-22). The use of the activity manager detects when the user is interacting with the computing device.

28. Consider **Claim 21**, Tang-Loveland disclosed the system of claim 18 wherein the integration module comprises a user interface that enables the user to specify the action (Tang, Col 7 Lines 65-67, Col 8 Lines 1-14). Tang et al clearly shows on what type of action involving communicating with other users can be carried out.

29. Consider **Claim 22**, Tang-Loveland disclosed the system of claim 18 further comprising a network (Tang, Col 11 Lines 37-40). Various types of networks can be used.

30. Consider **Claim 23**, Tang-Loveland disclosed the system of claim 22 further comprising a second computing device configured to send the request to converse (Tang, Col 11 Lines 66-67, Col 12 Lines 1-8). Tang et al shows that a second computing device is required to send the request to converse with the users on the network.

31. Consider **Claim 25**, Tang-Loveland the system of claim 22 further comprising a switched local area network (Tang, Col 11 Lines 37-40). Various types of network can be used to communicate with the users.

32. Consider **Claim 26**, Tang-Loveland disclosed the system of claim 25 wherein the transceiver is further configured to receive a request to converse via the switched local area network (Tang, Col 13 Lines 5-12, Col 7 Lines 3-8, Col 11 Lines 37-40). Tang et al clearly shows that the transceiver can be comprised of speakers and microphone attached to the computing device.

33. Consider **Claim 27**, Tang-Loveland disclosed the system of claim 25 wherein the switched local area network is configured to connect the computing device to an Internet (Tang, Col 11 Lines 37-40). Various types of network can be used.

34. Consider **Claim 28**, Tang-Loveland disclosed the system of claim 25 wherein the switched local area network is configured to connect the computing device to an intranet

(Tang, Col 11 Lines 37-40). It is inherent to use Intranet in a network that can easily be part of a LAN.

35. Consider **Claim 33**, Tang et al clearly discloses an article comprising a machine-readable medium that stores executable instruction signals that cause a machine to: receive, from a first person, a request to converse with a second person using a selected first one of two or more selectable communication modes (Tang, Fig 1A, Fig 1B, Col 15-16 Claim 1 and 2) Tang et al clearly shows the method of a first person request to converse with second person in the figures (Fig 1A, Fig 1B). And Tang et al also shows the states which can range from attentive, idle, engaged, do not disturb, and absent states (Col 5 Lines 55-66, Col 6 Lines 1-10).

36. But Tang et al does not explicitly disclose the selection of the second mode being determined by a rule created by the second person and in response to the received request, automatically performing an action using a second one of the two or more communication modes.

37. Nonetheless, Loveland disclosed the selection of the second mode being determined by a rule created by the second person and in response to the received request (Loveland, Fig 5-6, Col 12 Lines 37-50, Loveland disclosed on how rules are being used for communication purposes), automatically performing an action using a second one of the two or more communication modes (Loveland, Col 12 Lines 54-59,

Loveland disclosed on how different communications can be chosen as stated by the rules).

38. Both Tang-Loveland provide features related to communication in the network with the use of rule management. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

39. Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of rule management taught by Loveland, in the system of Tang for the purposes of management of different types of communication methods/preferences as stated by the user.

40. Consider **Claim 89**, Tang et al clearly shows the following system comprising: a computer device; a user interface that is configured to enable a user to interact with a person using one of at least two of voice conversation (Fig 1A, Fig 1B, Col 15-16 Claim 1 and 2), voice-video conversation (Fig 11 – Audio-Conference 83, Video-Conference 81, Col 4 Lines 15-22, Col 13 Lines 9-11, Col 14 Lines 40-57), graphic text-based conversation (Fig 5 – Chat window, Col 4 Lines 15-22, Col 9 Lines 22-37), fax, and electronic mail (Col 8 Lines 6-10); displaying to the user an automatically generated listing of a set of persons, the listing comprising a name, presence information, and communication modes available for the user to communicate with the person from the set of persons (Col 5 Lines 55-66, Col 6 Lines 1-10).; receiving an instruction to select the person from the set of persons (Col 5 Lines 55-66, Col 6 Lines 1-10); retrieving information about a person using an identifying characteristic of the person, where the

identifying characteristic is selected by the user from a display (Fig 1A, Fig 1B, Col 15-16 Claim 1 and 2).

41. But Tang et al does not explicitly disclose the wherein the interaction comprises: creating a rule to cause the computer device to automatically perform an action based on a request to converse with the user, and using the rule to select a communication mode from the communication modes available to communicate with the person, and using the rule to establish communication between the user and the person.

42. Nonetheless, Loveland disclosed the wherein the interaction comprises: creating a rule to cause the computer device to automatically perform an action based on a request to converse with the user (Loveland, Fig 5-6, Col 12 Lines 37-50, Loveland disclosed on how rules are being used for communication purposes), and using the rule to select a communication mode from the communication modes available to communicate with the person (Loveland, Fig 5-6, Col 12 Lines 37-59, Loveland disclosed on how rules are being used for communication purposes), and using the rule to establish communication between the user and the person (Loveland, Fig 5-6, Col 12 Lines 37-50)

43. Both Tang-Loveland provide features related to communication in the network with the use of rule management. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

44. Therefore, it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate the use of rule management taught by Loveland,

in the system of Tang for the purposes of management of different types of communication methods/preferences as stated by the user.

45. Consider **Claim 90**, Tang-Loveland disclosed the system of claim 18 in which the integration module is also configure to interact with the two or more communication modes, the modes including at least two of voice conversation software, voice-video conversation software, graphic text-based conversation software, fax software, and electronic mail software (Tang Fig 1A, Fig 1B, Col 15-16 Claim 1 and 2, Fig 5 – Chat window, Col 4 Lines 15-22, Col 9 Lines 22-37). Tang et al clearly shows the system capable of carrying out different types of communication methods.

46. **Claims 10, 24, 29-32** rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al (US Pat 5,793,365) in view of Loveland (US Pat 6895558), and further in view of Rudy et al (US Pat 6,360,252).

47. Consider **Claim 10**, Tang-Loveland does not explicitly disclose the method of claim 7 further comprising retrieving a calendar of the second person from a calendar storage module, wherein the electronic document is the calendar.



48. But nonetheless, Rudy et al clearly discloses the method of claim 7 further comprising retrieving a calendar of the second person from a calendar storage module, wherein the electronic document is the calendar (Rudy et al, Col 17, Lines 10-25).

49. Both Tang-Loveland-Rudy provide features related to different types of communication methods in the network. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

50. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use of a calendar taught by Rudy et al in Tang-Loveland method for calendar retrieval, for the purpose of allowing users on the network to make their schedules available for other users on the network to schedule appointments with them.

51. Consider **Claim 24**, Tang-Loveland does not explicitly disclose the system of claim 22 further comprising a telephone configured to send the request to converse.

52. Nonetheless, Rudy et al clearly discloses the system of claim 22 further comprising of a telephone configured to send the request to converse (Rudy et al, Col 26 Lines 20-24).

53. Both Tang-Loveland-Rudy provide features related to communication methods in the network. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment

54. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use of a telephone to send the request to converse in the application taught by Rudy et al in Tang et al's system, for the purpose of allowing users communicate via analog land telephone lines with each other.

55. Consider **Claim 29**, Tang-Loveland does not explicitly disclose wherein the switched local area network is configured to connect to an Internet protocol/public switched telephone network gateway.

56. Nonetheless, Rudy et al clearly discloses the switched local area network is configured to connect to an Internet protocol/public switched telephone network gateway (Rudy et al, Col 26 Lines 20-24).

57. Both Tang-Loveland-Rudy provide features related to communication methods in the network. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

58. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use of a switched telephone network gateway to the LAN taught by Rudy et al in Tang-Loveland system, for the purpose of allowing users of the company to connect to the corporate network via the public telephone network gateway.

59. Consider **Claim 30**, Tang-Loveland-Rudy discloses the system of claim 29 wherein the network further comprises a second switched local area network (Tang, Col 11 Lines 37-40). Various types of network can be used to communicate with the users.

60. Consider **Claim 31**, Tang-Loveland-Rudy disclosed the system of claim 29, wherein the second computing device sends the request to converse via the second switched local area network (Tang, Col 11 Lines 66-67, Col 12 Lines 1-8). Tang et al shows that a second computing device is required to send the request to converse with the users on the network which can be on the second switched local area network.

61. Consider **Claim 32**, Tang-Loveland do not explicitly disclose the system of claim 31 wherein the network further comprises a telephone system and a public switched telephone network configured to enable the telephone to send the request to converse to the computing device.

62. Nonetheless Rudy et al clearly discloses the system further comprises a telephone system and a public switched telephone network configured to enable the telephone to send the request to converse to the computing device (Rudy et al, Col 26 Lines 20-24).

63. Both Tang-Loveland-Rudy provide features related to communication methods in the network. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

64. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate the use of a telephone to send the request to converse in the application taught by Rudy et al in Tang-Loveland's system, for the purpose of allowing users of the company to connect to the corporate network via the public telephone network with aid of a telephone/fax modem.

65. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al (US Pat 5,793,365) in view of Loveland (US Pat 6895558), and further in view of Malik (US Pub 2004/0078443).

66. Consider **Claim 12**, Tang-Loveland does not explicitly disclose the method of claim 1 wherein automatically performing the action further comprises forwarding the request to converse to a third person if a current status of the second person is that the second person is unavailable to converse and the third person is available to converse

67. Nonetheless, Malik discloses automatically performing the action further comprises forwarding the request to converse to a third person if a current status of the second person is that the second person is unavailable to converse and the third person is available to converse (Malik, [0075]-[0079]). Malik discloses transferring of messages to third party.

68. Both Tang-Loveland-Malik provide features related to communication methods in the network relating to users. Therefore one of ordinary skill in the art would have been motivated to combine the teachings since both are within the same environment.

69. Therefore it would have been obvious to a person skilled in the art at the time of the invention was made to incorporate transferring of communication request to third party, taught by Malik in the system of Tang-Loveland, for the purpose of ensuring communication is carried out even if one of the member of the party is unavailable to converse.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-9, 11, 13-23, 25-28, 33, 89, 90 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH SIKRI whose telephone number is 571-270-1783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anish Sikri  
a.s.

October 26, 2008

/Tonia LM Dollinger/  
Supervisory Patent Examiner, Art Unit 2143